



February 2, 2024

Senator Steve Huffman  
Ohio Senate Building Room 040  
1 Capitol Square  
Columbus, OH 43215

**Re: Hemp product regulation – draft legislation**

Dear Senator Huffman:

Thank you for sharing the latest draft of legislation that impacts Ohio’s current hemp laws. The U.S. Hemp Roundtable, the hemp industry’s national advocacy organization, writes to respectfully but strenuously object to the draft bill presented to purportedly deal with the unregulated sale of intoxicating hemp products. Unfortunately, much like the language that was adopted in House Bill 86 last year, the current language would result in a de facto retail ban on more than 90% of popular hemp products, crippling economic opportunities for hemp farmers and small retailers.

We share the concerns expressed by the Governor and legislature about the proliferation of unregulated hemp products on the marketplace, particularly those that improperly wind up in the hands of children. Kentucky’s Democratic Governor and Republican legislature shared the same concerns, and unanimously developed a bipartisan legal and regulatory framework to crack down on unsafe products that were being marketed to minors.

In short, Kentucky developed a two-tiered system: non-intoxicating products would be regulated for health and safety and sold broadly, while products that could potentially impair people would be subject to stricter retail regulation to ensure that they would be limited to adult consumers only. The demarcation line in Kentucky regulation requires limiting sales to adults for products that have more than 2.5 mg of THC/serving, or less than a 15 to 1 ratio of non-intoxicating cannabinoids (usually CBD) to potentially impairing cannabinoids (usually THC). As you know, we shared this model with you and your staff, and spoke with the drafters about this demarcation in hopes of seeing language more in line with the Kentucky approach.

Unfortunately, Ohio legislative drafters ignored the Kentucky model. Instead, they have proposed a retail ban on all products that have more than 0.5 mg THC/serving or 2 mg THC/package (while applying the same 15 to 1 ratio), which maintains the exceedingly restrictive thresholds that were included in House Bill 86. This draft also fails to distinguish between ingestible and topical products, creating similar limitations as to THC content for topical hemp products, a measure that appears disproportionate to any potential risk posed by such items. This is deeply harmful to the hemp industry on two fronts: First, contrary to the publicly-stated mission of the

Governor and legislature, these arbitrary limits would sweep into the retail ban the vast majority of non-intoxicating hemp products, leaving only pure CBD isolates in retail stores, a small fraction of the marketplace. Worse, all hemp products with any THC in them would be subject to a marijuana dispensary monopoly – and there is no evidence that dispensaries are more capable than retail stores in enforcing adult-only restrictions. Federally-legal hemp products have been the source of significant economic opportunity for smaller retailers, many of whom come from disadvantaged communities, who are otherwise unable to meet the barriers to entry of the dispensary system.

We urge you to reconsider and apply the model of your neighbor Kentucky. This will accomplish your key mission – protecting consumers and keeping intoxicating products out of the hands of children – without destroying opportunity for hemp farmers and small retailers who currently sell these popular products.

We appreciate the discussions thus far, and the inclusion of the U.S. Hemp Roundtable as a stakeholder in this process. We hope to continue working with you on a draft that will support keeping hemp products available in retail stores while protecting Ohio’s children from harm.

Sincerely,



Jonathan Miller  
General Counsel  
U.S. Hemp Roundtable

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